

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:09-00251-03

PARAMENA SHIKANDA

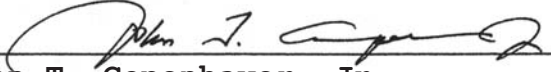
O R D E R

On February 25, 2011, defendant filed his pro se Motion for Sentence Adjustment, in which he requests that the court reduce his sentence of forty-six months imposed by order entered on September 14, 2010, by way of a downward departure or variance pursuant to 18 U.S.C. §§ 3582(c)(2), 3553(b) and U.S.S.G. §§ 1B1.10 and 5K2.0, and United States Sentencing Guideline Amendments 739 and 740; and on April 1, 2011, the United States filed its Response of the United States to Motion for Adjustment of Sentence, by counsel, Susan M. Robinson, Assistant United States Attorney, wherein it is stated that Amendment 739 cannot be applied retroactively and that Amendment 740 is wholly inapplicable to the defendant's offense of conviction; and the defendant having filed Movant's Response to the United States Attorney's Adjustment of Sentence Rebuttal to Movant's Motion Filed on February 25, 2011 Pursuant to 18 USC § 3582(c)(2), §3553(b) and USSG § 1B1.10, on May 16, 2011, again requesting a

sentence reduction by way of downward departure or variance as set forth above and based on various factors set forth in 18 U.S.C. § 3553(a); and the court being without jurisdiction in any event to reduce the sentence imposed based on any of the factors asserted by the defendant, and for the reasons set forth in the response of the United States, it is ORDERED that the defendant's motion to amend sentence be, and it hereby is, denied.

The Clerk is directed to forward copies of this order to the defendant, all counsel of record and the United States Probation Department.

DATED: July 11, 2011

  
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John T. Copenhaver, Jr.  
United States District Judge